

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

Great Lakes Insurance SE,	)	
	)	
Plaintiff(s),	)	
	)	
vs.	)	Case No. 6:23-cv-00052-JAR
	)	
Wagner & Lynch, PLLC	)	
	)	
Defendant(s).	)	

**JOINT STATUS REPORT**

JURY DEMANDED:      X   Yes           No

Pursuant to Federal Rules of Civil Procedure 26(f) a meeting was held on \_\_\_\_\_ at \_\_\_\_\_.  
Plaintiff appearing by counsel \_\_\_\_\_ and defendant appearing by counsel \_\_\_\_\_.

**I.        Summary of Claims:**

Plaintiff filed this declaratory action to determine its obligation under a policy for insurance to make claims payments on Defendant's claim for water damage to covered property. Plaintiff denied the claim under an exclusion for damage caused by water which backs up from a sewer or drain. Defendant disputes the outcome of the claim. Plaintiff does not seek damages but does request declaratory relief.

Defendant filed a Counterclaim asserting Plaintiff acted in bad faith by improperly denying the claim and bringing the declaratory action. Defendant seeks damages under the policy along with punitive damages for Plaintiff's actions. Defendant requests damages on its counterclaim.

**II.       Summary of Defenses:**

Plaintiff denies that it acted in bad faith and asserts that it complied at all times with the clear and unambiguous terms and conditions of the Policy. Plaintiff also asserts there was a legitimate dispute as to coverage on the claim.

Defendant claims that Plaintiff acted in bad faith in denying coverage under the insurance policy, and that it is a pattern and practice for Plaintiff to do so. Defendant states that there was no legitimate dispute as to coverage of the claim. Defendant states that the declaratory action is procedural fencing in an attempt to deny coverage.

**III.      Motions Pending: **None pending.****

**IV.      Are Dispositive Motions Anticipated?    *If so, describe them.***

**Motions for Summary Judgment are anticipated on both sides.**

*Last updated 01/23/23*

V. Stipulations:

- A. Jurisdiction Admitted: **YES**
- B. Venue Appropriate: **YES**
- C. Facts:

1. On or around June 13, 2022, Great Lakes issued Policy No. GLP012829 to Wagner & Lynch, LLC, providing casualty coverage for its commercial office building located at 123 W. Main St., Wilburton, OK 74578.
2. On or around October 24, 2022, a claim for water damage was submitted under Policy No. GLP012829, which was in effect on the date of loss.
3. That the claim for water damage under the policy was denied.

D. Law:

1. Oklahoma substantive law and Federal procedural and declaratory judgment law. Applicable substantive Oklahoma and Federal law involving insurance bad faith.

VI. **Fed. R. Civ. P. 26 Discovery Plan:** The parties jointly propose to the Court the following discovery plan: (Use separate paragraphs or subparagraphs as necessary if parties disagree.)

Have initial disclosures under Rule 26(a)(1) been exchanged and filed?

       Yes   X   No, Explain:

**The Parties have agreed to produce initial disclosures within two weeks of the Filing of this document.**

*Note: Plaintiff shall submit a calculation of every category of damages requested.*

Note that pursuant to Rule 26 and this Order, all parties are under an affirmative duty to (i) comply with the mandatory disclosure requirements, and (ii) notify the court of any nondisclosure so that the issue can be promptly resolved. Failure of any party to disclose information, or failure of any party to bring disclosure issues to the court's attention in a timely manner, may result in sanctions, including prohibiting the use of that information at trial, pursuant to Rule 37(c)(1).

If applicable, have disclosures pursuant to Fed. R. Civ. P. 7.1 been filed?

  X   Yes        No, Explain:

Should any changes be made in the limitations on discovery imposed by the Federal Rules of Civil Procedure or the court's local rules?

       Yes   X   No, Explain:

Discovery will be needed on the following subjects: Depositions will be needed

regarding the conditions of the property at issue, the scope and application of the subject policy to the claim, the cause of loss, and factual circumstances surrounding the loss.

Should discovery be limited at this time to any particular subject matters or issues? \_\_\_\_\_ Yes X No

Phased Discovery requested (*If requested, the in-person Joint Status Conference cannot be waived*): \_\_\_\_\_ Yes X No

All discovery commenced in time to be completed by September 29, 2023

Maximum of 30 interrogatories by each party to any other party. Responses due 30 days after service.

Maximum of 30 requests for admission by each party to any other party. Responses due 30 days after service.

Maximum of 6 depositions by plaintiff(s) and 6 by defendant(s).

Each deposition is limited to maximum of 6 hours unless extended by agreement of parties.

Is there a need for any other special discovery management orders by the court? \_\_\_\_\_ Yes X No, Explain:

Estimated number of days required for trial 4.

VII. All parties consent to trial before Magistrate Judge? X Yes \_\_\_\_\_ No

*If you mark "yes", you will be deemed to have consented to the jurisdiction of the assigned United States Magistrate Judge without the necessity for the filing or submission of any other documentation. The United States Magistrate Judge will exercise complete jurisdiction over this case through and including trial and the entry of a final judgment in accordance with 28 U.S.C. § 636(c)(1) and Fed. R. Civ. P. 73(a).*

*If you mark "no", the case will immediately be reassigned to a United States District Judge.*

VIII. Settlement Plan **(Check one)**

A. X Settlement Conference Requested after September 29, 2023.

B. \_\_\_\_\_ Other ADR: (Explain) \_\_\_\_\_


IX. Do the parties request that the Court hold a Scheduling Conference? \_\_\_\_\_ Yes X No

*If the parties consent to the United States Magistrate Judge under Section VII and do not request a Scheduling Conference, the Court will issue a Scheduling Order based on the*

*information contained in this Joint Status Report and no Scheduling Conference will be conducted, unless otherwise ordered by the Court.*

Read and Approved by:

 33874  
\_\_\_\_\_  
Attorney for Plaintiff  
6447104.1

 22851  
\_\_\_\_\_  
Attorney for Defendant